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**CITY OF TEMPE  
HEARING OFFICER**

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**Meeting Date: 09/04/2018  
Agenda Item: 10**

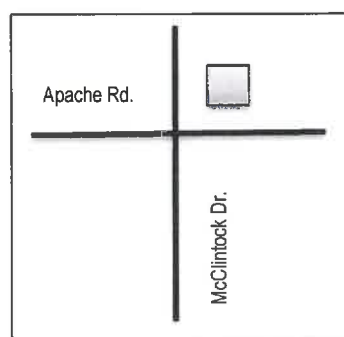
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**ACTION:** Request approval to abate public nuisance items at the Hale Property located at 1849 E. Hayden Lane. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$12,182.00 for abatement request, removal and disposal of junk, trash and debris on the property.

**RECOMMENDATION:** Staff – Approval of 180 day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the HALE PROPERTY. The details of this case represent several years of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE153327: removal and disposal of junk, trash and debris on the property.



Property Owner	Whitney M. Hale
Applicant	City of Tempe – Code Compliance
Zoning District:	R-4, Multi-Family Residential
Code Compliance Inspector:	Hector Heredia, Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director  
Legal review by: N/A  
Prepared by: Barbara Simons, Code Inspector  
Reviewed by: Drew Yocom, Planning & Research Analyst



**COMMENTS:**

Code Compliance is requesting approval to abate the Hale Property located at 1849 E. Hayden Lane, in the R-4, Multi-Family Residential district. This case was initiated 04/22/2015, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.







HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

[hamannenterprises@yahoo.com](mailto:hamannenterprises@yahoo.com)

THE FOLLOWING DOCUMENT IS FOR:

NAME: Hector Heredia

FIRM: CITY OF TEMPE

DATE: 7/20/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 1849 E HAYDON LN

1 REMOVAL OF TRASH AND DEBRIS 3 DAYS	\$6,720.00
2 ESTAMATED DUMP FEES	\$800.00
3 SECURITY BY TEMPE POLICE 3 DAYS	\$1,662.00
4 6 ROLL OFF DUMPSTERS	\$3,000.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<u>\$12,182.00</u>

THANK YOU FOR YOUR BUSINESS

BOB HAMANN





City of Tempe  
P. O. Box 5002  
Tempe, AZ 85280  
www.tempe.gov  
(480) 350-8372  
(480) 858-2231 (fax)

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08.01.2018

TO: WHITNEY M HALE  
208 E PAPAGO CIR  
TEMPE, AZ 85281

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**LEGAL:** Book 132, Map 63, Parcel 013, as recorded with the Maricopa County Assessor.

**LOCATION:** 1849 E HAYDEN LN  
TEMPE, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 09.04.2018. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

### VIOLATIONS:

**CC21-3.B.1 / FILTHY, LITTERED, DEBRIS OR TRASH-COVERED EXTERIOR AREAS**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$12,182.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Hector Heredia

Phone Number 480-350-5462



**DATE:** 07.19.2018

**SUBJECT:** WHITNEY M HALE PROPERTY ABATEMENT

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**LOCATION:** 1849 E HAYDEN LN  
TEMPE, AZ 85281

**LEGAL:** Book 132, Map 63, Parcel 013, as recorded with the Maricopa County Assessor

**OWNER:** WHITNEY M HALE  
208 E PAPAGO CIR  
TEMPE, AZ 85281

**FINDINGS:**

04.22.2015: Anonymous complain was received via 311 hotline regarding a property covered in junk trash debris.

04.27.2015: A 30-day verbal extension was granted after speaking with Mr. Hale who conveyed that paperwork was going to be submitted to permits for review after verifying the anonymous complaint.

05.29.2015: No corrective measures were taken, and Mr. Hale voiced that his paperwork would be submitted June 1<sup>st</sup>, 2015.

06.10.2015: The paperwork was never submitted.

03.01.2016: Another verbal extension was given in efforts of progress without further action to alleviate potential penalties was granted until March 19<sup>th</sup>, 2016.

03.24.2016: Nothing was accomplished and due to a departmental program migration from Permits Plus to Accela previous notices were lost in the transition. A final notice was issued.

04.07.2016: Consistency in lack of action continued and a third final notice was issued.

04.21.2016: Some progress and organization took place but not enough to clear the case and a fourth final notice was issued.

11.08.2016: The case was delayed after follow-up inspections were deleted from Accela. The case was going to be reviewed my Administration.

11.28.2016: The case was monitored over the holiday season.

12.27.2016: Addition complaints were filed regarding the state of the property and the junk trash debris that could be seen from public access points.



05.25.2017: A final attempt to reach Mr. Hale was issued before penalties were to be issued.

06.13.2017: No corrective measure had been taken to clear the case and no contact was initiated by Mr. Hale. Due to that neglect a first citation was issued and ultimately found responsible by our court system. During the court proceeding Mr. Hale requested a six-month extension to show the necessary progress before further actions were taken to ensure compliance.

02.07.2018: Since the first citation and the nearly seven-month extension only minor progress was accomplished. Although minor organization had taken place, recent deliveries of miscellaneous debris and construction materials, inundated any signs of progress but was monitored in hopes construction would soon begin.

02.27.2018: The property worsened within the two weeks allowed for progress and a second citation was issued for the neglected violations.

04.06.2018: Due to Mr. Hale's failure to appear in court on the summoned date defaulted and found responsible.

07.20.2018: Mr. Hale has never initiated any contact and was not able to fulfill our request for compliance as outlined in the notices according to Chapter 21 Nuisance Codes. Due to constant neglect, failed attempts to comply and being found responsible for two citation an abatement packet will now be submitted for review at the August 6<sup>th</sup> hearing.

### **RECOMMENDATIONS:**

The owner of this property **Whitney M Hale** has made no attempt to bring the property into compliance. Due to the continual lack of maintenance a 180-day open abatement is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

**Hector Heredia**  
Code Inspector  
City of Tempe

ACTION TAKEN: \_\_\_\_\_

NAME \_\_\_\_\_

DATE: \_\_\_\_\_

*Submitted*  
*[Signature]*  
8 1 18





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**CORRECTION NOTICE**

03/24/2016

HALE WHITNEY M / SUSAN T  
208 E PAPAGO CIR  
TEMPE, AZ 85281

Case #: CE153327  
Site Address: 1849 E HAYDEN LN, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 03/24/2016 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris and stored items from your entire property. These items include all the construction materials, bricks/ blocks, cinder blocks, deteriorating wood / metals, deteriorated fencing sections, piping, doors, deteriorated appliances, grill, boxes, plastic containers, tarps, blankets, storage structures, vehicle utility storage bed, vehicle tool box, tables, chairs, canopy, cleaning supplies and liquids, all general trash and any other miscellaneous items in this general surrounding area. These items must be discarded or stored appropriately either in their designated bins, city dumping sites or approved storage. Please utilize those areas to discard waste in an effort to diminish a deteriorated state of appearance. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / windows. An un-enclosed area cannot be maintained as outdoor storage.	4/7/2016
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front, this also includes anything visible within the surrounding common areas. Make sure that your lot is being maintained on a regular basis.	

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.



**Hector Heredia Jr**  
**Code Inspector**

**Direct: 480-350-5462**  
**Code Compliance: 480-350-8372**  
**Email: [Hector\\_Heredia@tempe.gov](mailto:Hector_Heredia@tempe.gov)**

### **Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

04/07/2016

HALE WHITNEY M / SUSAN T  
208 E PAPAGO CIR  
TEMPE, AZ 85281

Case #: CE153327  
Site Address: 1849 E HAYDEN LN, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 04/07/2016 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation	
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas	
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.1	Please remove all the trash, litter, debris and stored items from your entire property. These items include all the construction materials, bricks/ blocks, center blocks, deteriorating wood / metals, deteriorated fencing sections, piping, doors, deteriorated appliances, grill, boxes, plastic containers, tarps, blankets, storage structures, utility storage truck bed, vehicle tool box, tables, chairs, canopy, cleaning supplies and liquids, all general trash and any other miscellaneous items in this general surrounding area. These items must be discarded or stored appropriately either in their designated bins, city pumping sites or approved storage. Please utilize those areas to discard waste in an effort to diminish a deteriorated state of appearance. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / windows. An un-enclosed area cannot be maintained as outdoor storage.	4/21/2016
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front, this also including any visible surrounding common areas. Make sure that your lot is being maintained on a regular basis, if not regularly present please make proper arrangements to address such concern.	

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.



**Hector Heredia Jr**  
**Code Inspector**

**Direct: 480-350-5462**  
**Code Compliance: 480-350-8372**  
**Email: [Hector\\_Heredia@tempe.gov](mailto:Hector_Heredia@tempe.gov)**

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

04/21/2016

HALE WHITNEY M / SUSAN T  
208 E PAPAGO CIR  
TEMPE, AZ 85281

Case #: CE153327  
Site Address: 1849 E HAYDEN LN, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 04/21/2016 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front, this also including any visible surrounding areas. Make sure that your lot is being maintained on a regular basis, if not regularly present please make proper arrangements to address such concern.  <b>This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details.</b>	

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.



**Hector Heredia Jr**  
**Code Inspector**

**Direct: 480-350-5462**  
**Code Compliance: 480-350-8372**  
**Email: [Hector\\_Heredia@tempe.gov](mailto:Hector_Heredia@tempe.gov)**

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

05/25/2017

HALE WHITNEY M / SUSAN T  
208 E PAPAGO CIR  
TEMPE, AZ 85281

Case #: CE153327  
Site Address: 1849 E HAYDEN LN, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/25/2017 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front, this also including any visible surrounding common areas. Make sure that your lot is being maintained on a regular basis, if not regularly present please make proper arrangements to address such concern.	

**This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.



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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

02/13/2018

HALE WHITNEY M / SUSAN T  
208 E PAPAGO CIR  
TEMPE, AZ 85281

Case #: CE153327  
Site Address: 1849 E HAYDEN LN, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 02/07/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.



**Hector Heredia Jr**  
**Code Inspector**

**Direct: 480-350-5462**  
**Code Compliance: 480-350-8372**  
**Email: [Hector\\_Heredia@tempe.gov](mailto:Hector_Heredia@tempe.gov)**

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